IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sancho Enrique David	Examiner: John M. Winter
Serial No.:	09/500,601	Group Art Unit: 3621
Filed:	February 8, 2000	Docket No.: 2062.001US1
Title:	SYSTEM AND METHOD FOR SECURE NETWORK PURCHASING	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant respectfully requests review of the final rejection in the above-identified application. No amendments are submitted with this request.

This request is being filed with a Notice of Appeal. The review is requested for the following reasons:

§103 Rejection of the Claims

Claims 16-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Padgett et al. (U.S. 6,167,518; hereinafter referred to as Padgett) in view of Ross (U.S. 6,195,447; hereinafter referred to as Ross) and further in view of Beetcher et al. (U.S. 5,933,497; hereinafter referred to as Beetcher).

EXAMINER HAS NOT SHOWN ALL ESSENTIAL ELEMENTS NEEDED FOR A PRIMA FACIE REJECTION

Applicant submits that the Examiner has omitted one or more essential elements needed for a prima facie rejection. In particular, the cited references do not teach or suggest all the claim elements of each rejected claim. Additionally, there is no teaching or suggestion to combine the cited references. The discussion below addresses each of these points.

THE REFERENCES DO NOT TEACH OR SUGGEST ALL THE CLAIM ELEMENTS

Discussion of Claim 16

Applicant submits that the claimed "receiving at least one response from the user computer, the at least one response including a first fingerprint file and a first identification for the user," the claimed "comparing the first fingerprint file against a second fingerprint file, to

verify the user computer," and the claimed "sending at least one verification response, based upon the comparing of the first fingerprint file against the second fingerprint file and upon the comparing of the first identification for the user against the second identification for the user" are not taught or suggested by the combination of Padgett, Ross and Beetcher. For a more detailed discussion of this, see Applicant's Amendment and Response mailed April 13, 2005 at Pages 8-9.

Discussion of Claims 17-33.

Claims 17-33 each depend directly or indirectly on independent claim 16. As such, they each include the claim elements discussed above. For at least the reasons noted above, Applicant respectfully submits that the combination of Padgett, Ross, and Beetcher does not teach or suggest all the elements of dependent claims 17-33. For a more detailed discussion of this, see Applicant's Amendment and Response mailed April 13, 2005 at Page 9, Last Paragraph – Page 10, First Partial Paragraph.

Discussion of Claim 34

Applicant submits that the claimed "processor for communicating with the storage unit and the memory unit to compare information indicative of the second fingerprint file and the second identification for the user with information indicative of the first fingerprint file and first identification for the user," the claimed "storage unit to store information received from a user computer, the information including a second fingerprint file and a second identification for a user," the claimed first and second fingerprint files, where each fingerprint file includes at least one identifying characteristic of a user computer, and the claimed "memory unit to receive information indicative of a first fingerprint file and a first identification for the user" are not taught or suggested by the combination of Padgett, Ross and Beetcher. For a more detailed discussion of this, see Applicant's Amendment and Response mailed April 13, 2005 at Pages 10 and 11.

Discussion of Claims 35-39.

Claims 35-39 each depend directly or indirectly on independent claims 34. As such, they each include the claim elements discussed above vis-à-vis claim 34. For at least the reasons noted above, Applicant respectfully submits that the combination of Padgett, Ross, and Beetcher does not teach or suggest all the elements of dependent claims 35-39. For a more detailed discussion of this, see Applicant's Amendment and Response mailed April 13, 2005 at Page 11.

THERE IS NO SUGGESTION TO COMBINE BEETCHER WITH PADGETT AND ROSS

Applicant submits that there is no suggestion to combine Beetcher, Padgett, and Ross. For a more detailed discussion of this, see Applicant's Amendment and Response mailed April 13, 2005 at Pages 11 and 12.

CONCLUSION

Applicant respectfully requests review of the final rejection in the above-identified application, as the Examiner has omitted has or more essential elements needed for a prima facie rejection. The Examiner is invited to telephone Applicant's attorney at 281-213-8980 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SANCHO ENRIQUE DAVID

By his Representatives,

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Date 10/11/2005 By Andrew DeLizio

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 11 day of October, 2005.

Dawn R. Shaw
Name

Dawn R Shaw
Signature